United Nations CEDAW/C/OMN/CO/1/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
11 January 2017
English
Original: Arabic

Committee on the Elimination of Discrimination against Women

Concluding observations on the initial report of Oman

Addendum

Information provided by Oman in follow-up to the concluding observations*

[Date received: 14 December 2016]

Note: The present document is being issued in Arabic, English, French and Spanish only.

* The present document is being issued without formal editing.

17-00428 (E) 160117 170117

Please recycle

Response of Oman to the recommendations contained in paragraphs 28 and 45

Extracts from the concluding observations on the initial report of the Sultanate of Oman with respect to the legislative, judicial, administrative and other measures taken concerning the articles and clauses of the Convention on the Elimination of All Forms of Discrimination against Women:

Violence against women

27. The Committee takes note of the measures taken by the State party to protect women against violence, including domestic violence, and appreciates the existence of a housing unit allocated as a temporary refuge for women subjected to violence of any kind, as well as the Ministry of Social Development services' efforts to follow up on individual cases. The Committee, however, regrets the absence of a specific law on violence against women, including domestic violence; the lack of adequate statistics, research and documentation on the incidence of violence against women, as well as the fact that no specific mechanism exists for women to lodge complaints, get reparations and ensure prosecution of the perpetrators of violence committed against them. The Committee is also concerned about the lack of protection for and the resultant vulnerability of female migrant workers, especially domestic workers, to violence against them by their employers in the privacy of the home-setting.

28. **The Committee calls upon the State party to:**

(a) **Adopt a specific law on violence against women, including domestic violence, in line with the Committee's general recommendation No. 19 (1992) and establish appropriate redress mechanisms accessible to all women including domestic workers, who are victims of violence, and ensure that perpetrators are prosecuted and adequately punished;**

- Domestic violence and violence against women are not sanctioned by current Omani legislation. In fact, such acts of violence are criminalized by the Omani Penal Code, which was promulgated by Royal Decree No. 7/74. That law criminalizes all forms of physical and psychological violence; its provisions are general in nature and do not make distinctions on the basis of sex. Victims of violence have recourse to the competent judicial authorities as a first step toward the prosecution of perpetrators.

- Oman is in the process of drafting a new penal code and it is anticipated that the provisions criminalizing violence against women and domestic violence will be reviewed.

- Female domestic workers who are victims of violence have recourse to the competent legal authorities, as they are covered by provisions that criminalize harm to persons. The Omani Penal Code addresses, in a general sense and without discrimination based on civil status or nationality, violent acts that are committed specifically in the context of human trafficking. Women are considered victims and are entitled to protection and care until judgment is rendered in their cases.

- The Anti-Trafficking Act promulgated by Royal Decree No. 126/2008 provides that victims of human trafficking have the right to obtain material compensation. Under article 17 of the Act, human trafficking victims are exempt from court fees when filing compensation claims.
- The Anti-Trafficking Act is exceptional in its treatment of women victims of human trafficking. Under the Act, women victims are provided with health care and psychological counselling through the Dar al-Wifaq women's shelter until their cases have been resolved, and they are provided with legal protection as well. The courts assign particular importance to such cases and begin proceedings without delay.
- Pursuant to Royal Decree No. 126/2008, Oman established the National Committee for Combatting Human Trafficking. The National Committee sets out an annual plan aimed at raising awareness among all social groups, and takes every measure possible to protect citizens and residents from human trafficking.
- The National Centre for Statistics and Information was established pursuant to Royal Decree No. 31/2012. The Centre provides up-to-date and high-quality statistical data and information to aid in decision-making, policy formulation and performance evaluation, with most official statistics and data disaggregated by gender so that the Government can measure improvements in the status of Omani women.
- There are a number of Government agencies in Oman that deal with women's issues, with each agency operating according to its areas of expertise and carrying out its activities in coordination with other agencies, including:
    - The Ministry of Social Development (General Directorate for Family Development): The Ministry of Social Development is responsible for following up on the implementation of the Convention. The Ministry has a department of women's affairs; a department of family guidance and counselling, which provides family counselling; a department of family protection; and a department of community associations and clubs.
    - Royal Oman Police: The Royal Oman Police is the agency that receives reports and complaints from both women and men. It interrogates accused persons and investigates them through its relevant departments and offices. It refers cases to the Public Prosecutor within 48 hours, so that the necessary measures may be taken.
    - The office of the Public Prosecutor: The office of the Public Prosecutor questions suspects within 24 hours of referral from the Royal Oman Police. A suspect may either be placed in preventive detention until the complaint is referred to the competent court or released pursuant to a decision to suspend the complaint.
    - Supreme Judicial Council (the courts): Criminal courts hand down verdicts in cases involving violence against women.
    - The Ministry of Health: The Family Health Department of the Ministry of Health is responsible for all women's health conditions. The Ministry of Health conducts medical examinations of female victims of violence

in order to ascertain the extent of the violence and its impact on the victim. The Ministry then notifies the Royal Oman Police of the situation and forwards a medical report on the condition of the female victim.

- The National Human Rights Commission is an independent body that cooperates with the Government and civil society. The Commission monitors humanitarian violations (against both men and women) and reaches out to the competent authorities in order to follow up on violations and suggests appropriate solutions. The Commission also holds seminars and meetings throughout the country to raise women's awareness of their legal rights and duties, and prepares studies and conducts research on the subject of violence.

- Oman therefore sees no need at the present time to adopt a specific law on violence against women because adequate measures have already been taken and effective mechanisms developed.

(b) **Strengthen support measures such as shelters, counselling, and rehabilitation services throughout the territory of the State party;**

- The committee to follow up implementation of the Convention has been restructured so that it includes all relevant parties.

- The Government attaches great importance to this issue and has established a shelter, Dar al-Wifaq, which provides social, health, psychological and cultural services for female victims of violence, in order to help them improve their circumstances.

- Dar al-Wifaq accepts cases from all governorates of the Sultanate, without discrimination on the basis of nationality or geographical location.

(c) **Provide gender-sensitive and violence-focused training for the judiciary and law enforcement officers and health professionals;**

- A workshop was held on 30 and 31 December 2013 for judges, lawyers, civil society and stakeholders to promote awareness of international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

- In order to increase women's legal awareness, explanatory bulletins related to women's issues were prepared during the 2012-2013 period, and workshops were held on these bulletins to provide an overview of the laws discussed therein.

- Twelve awareness-raising campaigns on the Convention were held in 2011 and 2012.

- Eleven psychological specialists were sent to Kuwait for training on how to increase and fine-tune their expertise and skills in social protection.

- Training programmes have been held to instruct female trainers in the social, legal and political empowerment of Omani women. The programmes were implemented in three stages. The first stage, held on 10 and 11 November 2012, addressed how to become an effective trainer; the second, held from 19 to 21 January 2013, addressed the social empowerment of Omani women; and

the third and final stage was held from 10 to 12 March 2013 and addressed the legal and political empowerment of Omani women.

(d) **Ratify ILO Convention No. 156 (1981) and the Convention on Migrant Workers;**

- Oman has closely studied the issue of accession to the core human rights instruments to which it is not yet a party, and it is prioritizing accession to those instruments in accordance with their importance.

(e) **Establish a protection and monitoring system for migrant domestic workers.**

- The Sultanate is currently working to create a database of abuse cases. The database is being created in coordination by several Government agencies, including the Ministry of Social Development, the Ministry of Health, the office of the Public Prosecutor, the Royal Oman Police and the Ministry of the Interior.

Discriminatory laws in marriage and family

44. The Committee is concerned at the persistence of a significant number of discriminatory laws and provisions including laws relating to marriage, divorce, nationality, guardianship and custodial rights that deny women equal rights with men. It is particularly concerned about the legal provisions relating to personal status, including the need for a woman's guardian's (*wali*) permission for her to marry, equal rights with respect to divorce, property relations and inheritance which do not fully adhere to the provisions of the Convention. The Committee is concerned that, despite efforts such as the Royal Decree No. 55/2010 to prevent the practice of dowry from limiting women's rights to choose their husbands freely, this custom continues to negatively impact on the rights of women. In this context it is also concerned about the fact that the man is considered the head of the family and married women cannot freely choose their place of residence according to the Personal Status Code. Furthermore the Committee is concerned at reports that, despite the legal prohibition, marriage of girls under the age of 18 is still widely practised and accepted by Omani custom. The Committee is also concerned that polygamy which constitutes a direct infringement of women's rights is not prohibited in the State party.

45. **The Committee calls on the State party to:**

(a) **Embark on law reform with regard to the Personal Status Code taking into consideration the experiences of countries with similar religious backgrounds and legal systems that have successfully accommodated their domestic legislation to commitments emanating from the legally binding international instruments they have ratified, specifically with respect to matters of property, divorce, inheritance and the requirement of the "wali" in entering marriage;**

- There is nothing in the Personal Status Act, which is drawn from Islamic sharia, the primary source of legislation in Oman, that discriminates against women. Article 2 of the Basic Law of the State, which is considered the

constitution of Oman, stipulates that the State religion is Islam, and Islamic sharia forms the basis for legislation. Oman has therefore rejected all recommendations to review the Personal Status Act made by States in the course of the discussion of the report of Oman on human rights in the context of the universal periodic review.

- With respect to property issues, the Omani Civil Code provides that both men and women have capacity to undertake civil transactions without discrimination, and women have the right to own, sell and purchase property, enter into commercial transactions and establish associations.

- The Personal Status Act contains provisions on inheritance that are in accordance with the Islamic sharia and do not discriminate against women in any way. Omani legislation views men as having more obligations than women; in fact, there are provisions on inheritance under which a woman can inherit a larger share than a man if there is no male heir who is a first- or second-degree relative.

- Pursuant to the Personal Status Act, divorce is initiated by the husband or his authorized representative or by the wife if the husband has given her authority over her own affairs.

- A women also has the right to extricate herself from a marriage in return for consideration (*khul'*) if the spouses do not have marital relations.

- With respect to the role of the guardian in marriage matters, the Personal Status Act provides that a marriage must be contracted with the full and complete consent of the woman in order to be valid, as a woman's acceptance of her husband with full and complete consent is a necessary condition for marriage, as stipulated in article 16 of the Personal Status Act.

- The guardian is an essential element of the marriage contract, as provided in article 16 of the Personal Status Act. A marriage may only be contracted through a guardian, and the law stipulates that the guardian may not abuse the powers bestowed on him under the Personal Status Act. The Act states that the guardian is to be entrusted with overseeing the marriage with the consent of the woman, and thus in a case where the guardian arbitrarily exercises the powers granted to him by law, a woman may resort to the competent judicial authorities, as set out in Royal Decree No. 55/2010, which guarantees a woman's right to access to the high court if the guardian refuses to let her marry. She may later lodge an appeal against the court's ruling directly with His Majesty the Sultan.

- With regard to the comment that marriage of girls under the age of 18 was still widely practiced, the results of the 2010 census show that women aged 15 to 18 made up 0.78 per cent of married Omani women. That is lower than the figure of 0.99 per cent in the 2003 census. Both censuses show a low rate of less than one per cent, and that rate is decreasing.

(b) **Prohibit polygamy, in accordance with the Committee's general recommendation No. 21 (1994);**

- Polygamy is recognized as legitimate under the Personal Status Act, which stipulates that a woman may ask for a divorce if her husband's additional marriage results in harm to her.

(c) **Continue with efforts to ensure that the practice of dowry does not negate or curtail women's fundamental human right to freely choose their spouse.**

- A marriage cannot be contracted without a dowry, although the amount is unspecified. Royal decrees issued in this regard have set it at no more than 2,000 Omani rials. Article 23 of the Personal Status Act provides that the dowry is the property of the woman, who may dispose of it however she wishes, and that any provision to the contrary shall be void.

- Without prejudice to article 19 of the Personal Status Act, article 17 thereof stipulates that a marriage shall be contracted by means of an offer made by one contracting party and the acceptance of the other party, with the full consent of both, verbally stated in formal or common language. In the event that one party is unable to speak, written consent shall be acceptable, and, if that is not possible, then by intelligible gesture.